

REGULATIONS FOR PSYCHIATRIC RESIDENTIAL TREATMENT FACILITIES

28-4-1200. Definitions. For the purposes of K.A.R. 28-4-1200 through K.A.R. 28-4-1218, the following definitions shall apply:

- (a) “Administrator” means a person employed by a PRTF who is responsible for the overall administration of the PRTF.
- (b) “Applicant” means a person who has applied for a license but who has not yet been granted a license to operate a PRTF. This term shall include an applicant who has been granted a temporary permit to operate a PRTF.
- (c) “Basement” means each area in a building with a floor level more than 30 inches below ground level on all sides.
- (d) “Department” means the Kansas department of health and environment.
- (e) “Direct care staff” means the staff members employed by the PRTF to supervise the residents.
- (f) “Exception” means a waiver of compliance with a specific PRTF regulation or any portion of a specific PRTF regulation that is granted by the secretary to an applicant or a licensee.
- (g) “Individual plan of care” means a written, goal-oriented treatment plan and therapeutic activities designed to move the resident to a level of functioning consistent with living in a community setting.
- (h) “Licensee” means a person who has been granted a license to operate a PRTF.
- (i) “Program” means the comprehensive and coordinated activities and services providing for the care and treatment of residents.
- (j) “Program director” means the staff person responsible for the oversight and implementation of the program.
- (k) “Psychiatric residential treatment facility” and “PRTF” mean a residential facility for which the applicant or licensee meets the requirements of K.A.R. 28-4-1201.
- (l) “Resident” means an individual who is at least six years of age but not yet 22 years of age and who is accepted for care and treatment in a PRTF.
- (m) “Resident record” means any electronic or written document concerning a resident admitted to a PRTF that is created or obtained by an employee of the PRTF.
- (n) “Restraint” means the application of physical force or any mechanical devices or the administration of any drugs for the purpose of restricting the free movement of a resident’s body.

- (o) “Seclusion” means the involuntary confinement of a resident in a separate or locked room or an area from which the resident is physically prevented from leaving.
- (p) “Secretary” means the secretary of the Kansas department of health and environment.
- (q) “Treatment” means comprehensive, individualized, goal-directed, therapeutic services provided to residents.

(Authorized by K.S.A. 65-508 and 65-510; implementing K.S.A. 65-503 and 65-508; effective Oct. 9, 2009.)

28-4-1201. License requirements.

- (a) Each applicant and each licensee shall meet all of the following requirements in order to obtain and maintain a license to operate a PRTF:
 - (1) The state and federal participation requirements for medicaid reimbursement;
 - (2) receipt of accreditation of the PRTF by one of the following accrediting organizations:
 - (A) Council on accreditation of rehabilitation facilities (CARF);
 - (B) council on accreditation of child and family agencies (COA);
 - (C) the joint commission or the joint commission on accreditation of healthcare organizations (JCAHO); or
 - (D) an accrediting body approved by the Kansas health policy authority (KHPA), the Kansas department of social and rehabilitation services (SRS), and the Kansas juvenile justice authority (JJA); and
 - (3) receipt of approval of the PRTF by the Kansas department of social and rehabilitation services as meeting the state requirements.
- (b) Each applicant and each licensee, if a corporation, shall be in good standing with the Kansas secretary of state.
- (c) Each applicant and each licensee shall maintain documentation of compliance with all applicable building codes, fire safety requirements, and zoning codes.

(Authorized by K.S.A. 65-508; implementing K.S.A. 65-504 and 65-508; effective Oct. 9, 2009.)

28-4-1202. Application procedures.

- (a) Each person, in order to obtain a license, shall submit a complete application on forms provided by the department. The application shall be submitted at least 90 calendar days before the planned opening date of the PRTF and shall include the following:
 - (1) A description of the program and services to be offered, including the following:
 - (A) A statement of the PRTF's purpose and goals; and
 - (B) the number, ages, and gender of residents for whom the PRTF is designed;
 - (2) the anticipated opening date;
 - (3) a request for the background checks for staff members and volunteers specified in K.A.R. 28-4-1205;
 - (4) documentation of compliance with the license requirements in K.A.R. 28-4-1201; and
 - (5) the license fee specified in K.A.R. 28-4-92.
- (b) Each applicant shall notify the school district where the PRTF is to be located of the following:
 - (1) The planned opening date and the number, age range, gender, and anticipated special education needs of the residents to be served;
 - (2) a statement indicating whether the residents will attend public school or will receive educational services on-site at the PRTF; and
 - (3) documentation that the notification was received by the school district at least 90 days before the planned opening date.

The 90-day notification to the local school district may be waived by the secretary upon receipt of a written agreement by the local school district.
- (c) Each applicant shall submit to the department floor plans for each building that will be used as a PRTF. Each floor plan shall state whether or not any building will rely on locked entrances and exits or on delayed-exit mechanisms to secure the PRTF. Each applicant wanting to use delayed-exit mechanisms or to use hardware to lock or otherwise secure the exits shall obtain and shall submit to the department prior written approval from the Kansas state fire marshal, the Kansas department of social and rehabilitation services, the Kansas juvenile justice authority, and the Kansas health policy authority.

- (d) Each applicant shall provide the department with a copy of the approval of the Kansas state fire marshal's office for the floor plan and the use of any delayed-exit mechanism or hardware to lock or otherwise secure the exits before a license is issued.
- (e) The granting of a license to any applicant may be refused by the secretary if the applicant is not in compliance with the requirements of the following:
 - (1) K.S.A. 65-504 through 65-508 and amendments thereto;
 - (2) K.S.A. 65-512 and 65-513 and amendments thereto;
 - (3) K.S.A. 65-516 and amendments thereto;
 - (4) K.S.A. 65-531 and amendments thereto; and
 - (5) all regulations governing psychiatric residential treatment facilities.

(Authorized by K.S.A. 65-508; implementing K.S.A. 65-501, 65-504, 65-505, and 65-508 and K.S.A. 2008 Supp. 65-516; effective Oct. 9, 2009.)

28-4-1203. Capacity; posting requirements; validity of temporary permit or license; new application required; advertising; closure.

- (a) Capacity. The maximum number, the age range, and the gender of residents authorized by the temporary permit or license shall not be exceeded.
- (b) Posting requirements. The current temporary permit or the current license shall be posted conspicuously within the PRTF.
- (c) Validity of temporary permit or license. Each temporary permit or license shall be valid only for the applicant or licensee and for the address specified on the temporary permit or the license. When an initial or amended license becomes effective, all temporary permits or licenses previously granted to the applicant or licensee at the same address shall become void.
- (d) New application required. A new application and the fee specified in K.A.R. 28-4-92 shall be submitted for each change of ownership or location at least 90 calendar days before the planned change.
- (e) Advertising. The advertising for each PRTF shall conform to the statement of services as given on the application. A claim for specialized services shall not be made unless the PRTF is staffed and equipped to offer those services.
- (f) Closure. Any applicant may withdraw the application for a license. Any licensee may submit, at any time, a request to close the PRTF operated by the licensee. If an

application is withdrawn or a PRTF is closed, the current temporary permit or license granted to the applicant or licensee for that PRTF shall become void.

(Authorized by K.S.A. 65-508; implementing K.S.A. 65-504, 65-505, and 65-508; effective Oct. 9, 2009.)

28-4-1204. Licensure; renewal; notifications; exceptions; amendments.

- (a) No person shall operate a PRTF unless issued a temporary permit or a license by the secretary.
- (b) No earlier than 90 days before the renewal date but no later than the renewal date, each licensee who wishes to renew the license shall complete and submit an application for renewal on forms provided by the department, including the requests for background checks specified in K.A.R. 28-4-1205, and shall submit the fee specified in K.A.R. 28-4-92.
- (c) Failure to submit the renewal application and fee as required by subsection (b) shall result in an assessment of a late renewal fee pursuant to K.S.A. 65-505, and amendments thereto, and may result in closure of the PRTF.
- (d) Each licensee shall notify the department within 24 hours of any change in approval or accreditation required in K.A.R. 28-4-1201.
- (e) Any applicant or licensee may request an exception from the secretary.
 - (1) Any request for an exception may be granted if the secretary determines that the exception is in the best interest of one or more residents or the family of a resident and the exception does not violate statutory requirements.
 - (2) Written notice from the secretary stating the nature of each exception and its duration shall be kept on file at the PRTF and shall be readily accessible to the department, SRS, and JJA.
- (f) Each licensee shall obtain the secretary's written approval before making any change in any of the following:
 - (1) The use or proposed use of the buildings;
 - (2) any changes to the physical structure of any building, including the following:
 - (A) An addition or alteration as specified in K.A.R. 28-4-1215;
 - (B) any change in the use of locked entrances or exits; and
 - (C) any change in any delayed-exit mechanisms;
 - (3) the addition or removal of a locking system for any room used for seclusion, as specified in K.A.R. 28-4-1212; or

- (4) the program, provided through either of the following:
 - (A) Direct services; or
 - (B) agreements with specified community resources.
- (g) Any licensee may submit a written request for an amended license.
 - (1) Each licensee who intends to change the terms of the license, including the maximum number, the age range, or the gender of residents to be served, shall submit a request for an amendment on a form provided by the department and a nonrefundable amendment fee of \$35. An amendment fee shall not be required if the request to change the terms of the license is made at the time of the renewal.
 - (2) Each request for a change in the maximum number, the age range, or the gender of residents to be served shall include written documentation of the notification to the school district where the PRTF is located, as specified in K.A.R. 28-4-1202.
 - (3) The licensee shall make no change to the terms of the license, including the maximum number of residents, the age range of residents to be served, the gender of residents, and the type of license, until an amendment is granted, in writing, by the secretary.

(Authorized by K.S.A. 65-508; implementing K.S.A. 65-504, 65-505, and 65-508 and K.S.A. 2008 Supp. 65-516; effective Oct. 9, 2009.)

28-4-1205. Background checks.

- (a) With each initial application or renewal application, each applicant or licensee shall submit a request to conduct a background check by the Kansas bureau of investigation and a background check by the Kansas department of social and rehabilitation services in order to comply with the provisions of K.S.A. 65-516, and amendments thereto. Each request shall be submitted on a form provided by the department. The request shall list the required information for each individual 10 years of age and older who will be residing, working, or regularly volunteering in the PRTF.
- (b) Each licensee shall submit a request to the department to conduct a background check by the Kansas bureau of investigation and a background check by the Kansas department of social and rehabilitation services before each new individual begins residing, working, or regularly volunteering in the PRTF.
- (c) A copy of each request for a background check shall be kept on file at the PRTF.
- (d) Residents admitted into a PRTF for care and treatment shall not be considered to be residing in the PRTF for the purposes of background checks.

(Authorized by K.S.A. 65-508; implementing K.S.A. 2008 Supp. 65-516; effective Oct. 9, 2009.)

28-4-1206. Administration.

- (a) Each PRTF shall be governed by one of the following entities:
 - (1) A public agency, which shall employ an administrator for the PRTF; or
 - (2) a private entity with a governing board that is legally responsible for the operation, policies, finances, and general management of the PRTF. The private entity shall employ an administrator for the PRTF. The administrator shall not be a voting member of the governing board.
- (b) Each licensee shall develop and implement written policies and procedures for the operation of the PRTF that shall include detailed descriptions of the roles and the responsibilities for staff and volunteers. The staff practices shall conform to the written policies and procedures and to all regulations governing PRTFs.
- (c) A licensee or a staff member of a PRTF shall not accept permanent legal guardianship of any individual before the individual is admitted to the PRTF or while the individual is in treatment at the PRTF.
- (d) A copy of the regulations governing PRTFs shall be kept on the premises at all times and shall be made available to all staff members.
- (e) Each licensee shall make available to the department all reports and findings of on-site surveys, periodic performance reviews, monitoring visits, and accreditation reports by the PRTF's accrediting body.
- (f) Each licensee shall have sufficient finances to ensure the provision of program activities and services to each resident. Each licensee shall provide the financial resources necessary to maintain compliance with these regulations.
- (g) Each resident's personal money shall be kept separate from the PRTF's funds. Each licensee shall maintain financial records of each resident's personal money.

(Authorized by and implementing K.S.A. 65-508; effective Oct. 9, 2009.)

28-4-1207. Staff requirements.

- (a) Each individual working or volunteering in a PRTF shall be qualified by temperament, emotional maturity, judgment, and understanding of residents necessary to maintain the health, comfort, safety, and welfare of individuals placed in psychiatric residential treatment facilities.
- (b) Each food service staff member shall demonstrate compliance with all of the following requirements through ongoing job performance:
 - (1) Knowledge of the nutritional needs of residents;
 - (2) understanding of quantity food preparation and service;

- (3) sanitary food handling and storage methods;
- (4) willingness to consider individual, cultural, and religious food preferences of the residents; and
- (5) willingness to work with the program director in planning learning experiences for residents about nutrition.

(Authorized by and implementing K.S.A. 65-508; effective Oct. 9, 2009.)

28-4-1208. Records. Each licensee shall develop and implement written policies and procedures that address PRTF recordkeeping requirements, including resident records, personnel records, and general records.

- (a) Resident records. Each licensee shall maintain an individual record for each resident, which shall include the following information:
 - (1) A health record that meets the requirements in K.A.R. 28-4-1211;
 - (2) a copy of each written report of any incidents involving the resident and specified in K.A.R. 28-4-1209 and K.A.R. 28-4-1214;
 - (3) documentation of each use of seclusion for the resident; and
 - (4) a financial record of the resident's personal money as specified in K.A.R. 28-4-1206.
- (b) Personnel records. Each licensee shall maintain an individual personnel record for each staff member, which shall include the following information:
 - (1) A health record that meets the requirements in K.A.R. 28-4-1211, including a record of the results of any health examinations and tuberculin tests;
 - (2) the staff member's current job responsibilities;
 - (3) documentation that the staff member has read, understands, and agrees to all of the following:
 - (A) The statutes and regulations regarding the mandatory reporting of suspected child abuse, neglect, and exploitation;
 - (B) all regulations governing PRTFs; and
 - (C) the PRTF's policies and procedures applicable to the job responsibilities of the staff member; and
 - (4) a copy of a valid driver's license of a type appropriate for the vehicle being used, for any staff member who transports any resident.

- (c) Volunteer records. Each licensee shall maintain an individual record for each volunteer of the PRTF, which shall include the following information:
 - (1) A health record that meets the requirements in K.A.R. 28-4-1211, including a record of the results of any health examinations and tuberculin tests, for each volunteer in contact with residents; and
 - (2) a copy of a valid driver's license of a type appropriate for the vehicle being used, for any volunteer who transports any resident.
- (d) General records. Each licensee shall ensure that general records are completed and maintained, which shall include the following:
 - (1) Documentation of the requests submitted to the department for the purpose of background checks for each staff member and volunteer in order to comply with the provisions of K.S.A. 65-516, and amendments thereto;
 - (2) documentation of notification to the school district;
 - (3) documentation of each approval granted by the secretary for any change, exception, or amendment as specified in K.A.R. 28-4-1204 and K.A.R. 28-4-1215;
 - (4) the policies and procedures of the PRTF;
 - (5) all reports and findings of on-site visits, periodic performance reviews, monitoring visits to determine compliance with PRTF regulations and standards, and any accreditation reports by the PRTF's accrediting body;
 - (6) all written reports of the following:
 - (A) All incidents or events specified in K.A.R. 28-4-1209 and K.A.R. 28-4-1214; and
 - (B) the use of restraint or seclusion;
 - (7) all documentation specified in K.A.R. 28-4-1218 for transporting residents;
 - (8) all documentation specified in K.A.R. 28-4-1212 for the locking systems for the door of each room used for seclusion, including documentation of the state fire marshal's approval;
 - (9) all documentation specified in K.A.R. 28-4-1214 for emergency plans, fire and tornado drills, and written policies and procedures on the security and control of the residents;

- (10) all documentation specified in K.A.R. 28-4-1214 for the inspection and the maintenance of security devices, including locking mechanisms and any delayed-exit mechanisms on doors;
- (11) documentation of approval of any private water or sewage systems as specified in K.A.R. 28-4-1215; and
- (12) documentation of vehicle and liability insurance for each vehicle used by the PRTF to transport residents as specified in K.A.R. 28-4-1218.

(Authorized by K.S.A. 65-508; implementing K.S.A. 65-507 and 65-508 and K.S.A. 2008 Supp. 65-516; effective Oct. 9, 2009.)

28-4-1209. Notification and reporting requirements.

- (a) Each licensee shall ensure that the following notifications are submitted verbally or in writing upon discovery of the incident or event, but no later than 24 hours after the discovery:
 - (1) Each instance of suspected abuse or neglect of a resident shall be reported to the Kansas department of social and rehabilitation services or to law enforcement.
 - (2) Each incident resulting in the death of any resident shall be reported to the following:
 - (A) Law enforcement;
 - (B) the department;
 - (C) the parent or guardian of the resident;
 - (D) the resident's placing agent;
 - (E) the state medicaid agency;
 - (F) the Kansas department of social and rehabilitation services; and
 - (G) the state-designated protection and advocacy entity.
 - (3) Each incident resulting in the death of a staff member while on duty at the PRTF shall be reported to the department and to any other entities according to the policies of the PRTF.
 - (4) Each incident resulting in a serious injury to any resident, including burns, lacerations, bone fractures, substantial hematomas, and injuries to internal organs, shall be reported to the following:
 - (A) The department;

- (B) the county health department in which the PRTF is located;
 - (C) the parent or legal guardian of any resident involved in the incident;
 - (D) the placing agent of any resident involved in the incident;
 - (E) the state medicaid agency;
 - (F) the Kansas department of social and rehabilitation services; and
 - (G) the state-designated protection and advocacy entity.
- (5) Each incident of suspected sexual assault involving a resident as a victim or as a perpetrator shall be reported to the following:
- (A) Law enforcement;
 - (B) the Kansas department of social and rehabilitation services;
 - (C) the parent or legal guardian of the resident;
 - (D) the resident's placing agent; and
 - (E) the department.
- (6) Each suicide attempt by a resident shall be reported to the following:
- (A) The department;
 - (B) the resident's placing agent;
 - (C) the parent or guardian of the resident;
 - (D) the state medicaid agency;
 - (E) the Kansas department of social and rehabilitation services; and
 - (F) the state-designated protection and advocacy entity.
- (7) Each natural disaster shall be reported to the department.
- (8) Each instance of work stoppage shall be reported to the department.
- (9) Each incident that involves a riot or the taking of hostages shall be reported to the department.
- (10) Each fire shall be reported to the department and to the state fire marshal.

- (11) Each incident that involves any suspected illegal act committed by a resident while in the PRTF or by a staff member while on duty at the PRTF shall be reported to law enforcement in accordance with the policies of the PRTF.
- (12) If any resident, staff member, or volunteer of the PRTF contracts a reportable infectious or contagious disease specified in K.A.R. 28-1-2, the licensee shall ensure that a report is submitted to the local county health department within 24 hours, excluding weekends and holidays.
- (b) Each licensee shall complete a written report within five calendar days of the discovery of any incident or event identified in subsection (a).

(Authorized by and implementing K.S.A. 65-508; effective Oct. 9, 2009.)

28-4-1210. Admission requirements.

- (a) No individual less than six years of age shall be admitted to a PRTF. No individual 21 years of age or older shall be admitted to a PRTF as a new resident, but any current resident may continue to receive treatment until that resident reaches 22 years of age.
- (b) Each individual who shows evidence of being physically ill, injured, or under the influence of alcohol or drugs shall be assessed in accordance with the PRTF's policies and procedures to determine the appropriateness of admission and any need for immediate medical care.

(Authorized by and implementing K.S.A. 65-508 and 65-510; effective Oct. 9, 2009.)

28-4-1211. Health care.

- (a) Policies for resident health care. Each licensee, in consultation with a physician, shall develop written policies that include provisions for the following:
 - (1) A health checklist and review for each resident upon admission, including the following:
 - (A) Current physical, including oral, health status;
 - (B) any allergies, including medication, food, and plant;
 - (C) any current pain, including cause, onset, duration, and location;
 - (D) preexisting medical conditions;
 - (E) current mood and affect;
 - (F) any current suicidal thoughts and history of suicide attempts;
 - (G) any infectious or contagious diseases;

- (H) documentation of current immunizations or documentation of an exemption for medical or religious reasons as specified in K.A.R. 28-1-20;
 - (I) any drug or alcohol use;
 - (J) any current medications;
 - (K) any physical disabilities;
 - (L) menstrual history, if applicable;
 - (M) any sexually transmitted disease; and
 - (N) any history of pregnancy;
- (2) follow-up health care, including a health assessment and referrals for any concerns identified in the health checklist and review;
 - (3) if medically indicated, chronic care, convalescent care, and preventive care;
 - (4) care for minor illness, including the use and administration of prescription and nonprescription drugs;
 - (5) care for residents under the influence of alcohol or other drugs;
 - (6) consultation regarding each individual resident, if indicated;
 - (7) infection control measures and universal precautions to prevent the spread of blood-borne infectious diseases, including medically indicated isolation; and
 - (8) maternity care as required by K.A.R. 28-4-279.
- (b) Physical health of residents at admission and throughout placement. Each licensee shall maintain a health record for each resident to document the provision of health services, including dental services.
 - (1) Each licensee shall ensure that a health checklist is completed for each resident at the time of admission by the individual who admits the resident. The health checklist shall serve as a guide to determine if a resident is in need of medical or dental care and to determine if the resident is using any prescribed medications.
 - (2) Each licensee shall ensure that the PRTF's physician, a physician's assistant operating under a written protocol as authorized by a responsible physician, or an advanced registered nurse practitioner (ARNP) operating under a written protocol as authorized by a responsible physician and operating under the ARNP's scope of practice is contacted for any resident who is taking a prescribed medication at the time of admission, to assess the need for continuation of the medication.

- (3) Each change of prescription or directions for administering a prescription medication shall be ordered by the authorized medical practitioner with documentation placed in the resident's record. Prescription medications shall be administered only to the designated resident as ordered by the authorized medical practitioner.
- (4) Each licensee shall ensure that a physician, a physician's assistant operating under a written protocol as authorized by the responsible physician, or an ARNP operating under a written protocol as authorized by a responsible physician and operating within the ARNP's scope of practice is contacted for any resident who has acute symptoms of illness or who has a chronic illness.
- (5) Within 72 hours of admission, a physician, a physician's assistant operating under a written protocol as authorized by a responsible physician, or a nurse approved to conduct screening and health assessments shall review the health checklist. Based upon health indicators derived from the checklist or in the absence of documentation of a screening within the past 24 months, the reviewing physician, physician's assistant, or nurse shall determine whether or not a full screening and health assessment are necessary. If a full screening and health assessment are necessary, the following requirements shall be met:
 - (A) The screening and health assessment shall be conducted by a licensed physician, a physician's assistant operating under a written protocol as authorized by a responsible physician, or a nurse approved to conduct these examinations.
 - (B) The screening and health assessment shall be completed within 10 days of admission.
- (6) Each licensee shall ensure that each resident receives a screening for symptoms of tuberculosis. A Mantoux test, a tuberculin blood assay test, or a chest X-ray shall be required if any of the following occurs:
 - (A) The resident has a health history or shows symptoms compatible with tuberculosis.
 - (B) The location of the PRTF is in an area identified by the local health department or the secretary as a high-risk area for tuberculosis exposure.
 - (C) Significant exposure to an active case of tuberculosis occurs, or symptoms compatible with tuberculosis develop.
 - (D) If there is a positive reaction to the diagnostic procedures, proof of proper treatment or prophylaxis shall be required. Documentation of the test, X-ray, or treatment results shall be kept on file in the resident's health record, and the county health department shall be informed of the results.
- (7) Each licensee shall ensure that written policies and procedures prohibit the use of tobacco in any form by any resident while in care.

- (c) Oral health of residents. Each licensee shall ensure that the following requirements are met:
 - (1) Dental care shall be available for all residents.
 - (2) Each resident who has not had a dental examination within the year before admission to the PRTF shall have a dental examination no later than 60 days after admission.
 - (3) Each resident shall receive emergency dental care as needed.
 - (4) Each licensee shall develop and implement a plan for oral health education and staff supervision of residents in the practice of good oral hygiene.
- (d) Health record. Each licensee shall maintain a health record for each resident to document the provision of health services required in subsections (a), (b), and (c).
- (e) Personal health and hygiene of residents.
 - (1) Each resident shall have access to drinking water, a lavatory, and a toilet.
 - (2) Each licensee shall ensure that each resident is given the opportunity to bathe upon admission and daily.
 - (3) Each licensee shall furnish each resident with toothpaste and a toothbrush.
 - (4) Each licensee shall ensure that each resident is given the opportunity to brush the resident's teeth after each meal.
 - (5) Each licensee shall make opportunities available to the residents for daily shaving and regular haircuts.
 - (6) Each resident's washable clothing shall be changed and laundered at least twice a week. Each licensee shall ensure that clean underwear and socks are available to each resident on a daily basis.
 - (7) Each female resident shall be provided personal hygiene supplies for use during her menstrual cycle.
 - (8) Each licensee shall ensure that clean, individual washcloths and bath towels are issued to each resident at least twice each week.
 - (9) Each licensee shall allow each resident to have at least eight hours of sleep each day.
- (f) Personal health of staff members and volunteers of the PRTF.
 - (1) Each individual shall meet the following requirements:

- (A) Be free from any infectious or contagious disease requiring isolation or quarantine as specified in K.A.R. 28-1-6;
 - (B) be free of any physical, mental, or emotional health conditions that would adversely affect the individual's ability to fulfill the responsibilities listed in the individual's job description and to protect the health, safety, and welfare of the residents; and
 - (C) be free from impaired ability due to the use of alcohol, prescription or nonprescription drugs, or other chemicals.
- (2) Each individual who has contact with any resident or who is involved in food preparation or service shall have received a health assessment within one year before employment. This assessment shall be conducted by a licensed physician, a physician's assistant operating under a written protocol as authorized by a responsible physician, or a nurse authorized to conduct these assessments.
 - (3) The results of each health assessment shall be recorded on forms provided by the department and shall be kept on file.
 - (4) A health assessment record may be transferred from a previous place of employment if the assessment occurred within one year before the individual's employment at the PRTF and if the assessment was recorded on the form provided by the department.
 - (5) The initial health examination shall include a screening for symptoms of tuberculosis. A Mantoux test, a tuberculin blood assay test, or a chest X-ray shall be required if any of the following occurs:
 - (A) The individual has a health history or shows symptoms compatible with tuberculosis.
 - (B) The PRTF is located in an area identified by the local health department or the secretary as a high-risk area for tuberculosis exposure.
 - (C) Significant exposure to an active case of tuberculosis occurs, or symptoms compatible with tuberculosis develop.
 - (D) If there is a positive reaction to any of the diagnostic procedures, proof of proper treatment or prophylaxis shall be required. Documentation of the test, X-ray, and treatment results shall be kept on file in the individual's health record, and the county health department shall be informed of the results.
 - (6) If an individual experiences a significant change in physical, mental, or emotional health, including any indication of substance abuse, an assessment of the individual's current health status may be required by the licensee or the secretary.

A licensed health care provider qualified to diagnose and treat the condition shall conduct the health assessment. A written report of the assessment shall be kept in the individual's personnel record and shall be submitted to the secretary on request.

- (g) Tobacco products shall not be used inside the PRTF. Tobacco products shall not be used by staff members or volunteers of the PRTF in the presence of residents.

(Authorized by K.S.A. 65-508; implementing K.S.A. 65-507 and 65-508; effective Oct. 9, 2009.)

28-4-1212. Health and safety requirements for the use of seclusion rooms.

- (a) Each licensee shall ensure that the following requirements are met for each room used for seclusion:
 - (1) The locking system shall be approved by the state fire marshal.
 - (2) No room used for seclusion shall be in a basement.
 - (3) Each door shall be equipped with a window mounted in a manner that allows inspection of the entire room.
 - (4) Each window in a room used for seclusion shall be impact-resistant and shatterproof.
 - (5) The walls shall be completely free of objects.
 - (6) A mattress shall be available, if needed. If a mattress is used, the mattress shall be clean and in good repair.
- (b) No more than one resident shall be placed in a room used for seclusion at the same time.
- (c) Before any resident is admitted to a room used for seclusion, all items that could be used to injure oneself or others shall be removed from the resident.
- (d) Each resident shall be permitted to wear clothing necessary to maintain modesty and comfort at all times. Paper clothing may be substituted if a resident uses clothing for self-harm. Sheets, towels, blankets, and similar items shall not be substituted for clothing.
- (e) Each resident shall receive all meals and snacks normally served and shall be allowed time to exercise and perform necessary bodily functions.
- (f) Each resident shall have ready access to drinking water and bathroom facilities upon request.

(Authorized by and implementing K.S.A. 65-508; effective Oct. 9, 2009.)

28-4-1213. Library; recreation; work.

- (a) Library.
 - (1) Each licensee shall have written policies and procedures that govern the PRTF's library program, including acquisition of materials, hours of availability, and staffing.
 - (2) Library services shall be available to all residents.
 - (A) Reading and other library materials may be provided for use during non-library hours.
 - (B) The reading and library materials shall be age-appropriate and suitable for various levels of reading competency and shall reflect a variety of interests.
- (b) Recreation.
 - (1) Each licensee shall ensure that indoor and outdoor recreational areas and equipment are provided where security and visual supervision can be maintained at all times. Unless restricted for health reasons or for inclement weather, all residents shall be allowed to engage in supervised indoor and outdoor recreation on a daily basis.
 - (2) Each licensee shall ensure that art and craft supplies, books, current magazines, games, and other indoor recreational materials are provided for leisure activities.
- (c) Work.
 - (1) Work assignments shall not be used as a substitute for recreation.
 - (2) Residents shall be prohibited from performing any of the following duties:
 - (A) Personal services for the staff members;
 - (B) cleaning or maintaining areas away from the PRTF;
 - (C) replacing employed staff members; or
 - (D) any work experience classified as hazardous by the Kansas department of labor regulations governing child labor.
- (d) Auxiliary staff members may supervise library, recreation, or work activities. Direct care staff shall be within visual and auditory distance to provide immediate support, if necessary.

(Authorized by and implementing K.S.A. 65-508; effective Oct. 9, 2009.)

28-4-1214. Emergency plan; drills; facility security and control of residents; storage and use of hazardous substances and unsafe items.

- (a) Emergency plan. Each licensee shall develop an emergency plan to provide for the safety of all residents in emergencies, including fires, tornadoes, storms, floods, and serious injuries. The licensee shall review the plan at least annually and update it as needed.
 - (1) The emergency plan shall contain provisions for the care of residents in emergencies.
 - (2) Each licensee that permits the use of seclusion shall have a policy and procedure to evacuate each resident in seclusion if an emergency occurs.
 - (3) All of the staff members in the PRTF shall be informed of the emergency plan, which shall be posted in a prominent location.
- (b) Fire and tornado drills. The PRTF staff shall conduct at least one fire drill and one tornado drill during each shift during each quarter. Drills shall be planned to allow participation by the residents in at least one fire drill and at least one tornado drill during each quarter.
- (c) Facility security and control of residents. Each licensee shall develop and implement written policies and procedures that include the use of a combination of supervision, inspection, and accountability to promote safe and orderly operations. The policies and procedures shall prohibit the use of mace, pepper spray, and other chemical agents.
 - (1) All written policies and procedures for facility security and the control of residents shall be available to all staff members. Each licensee shall review the policies and procedures at least annually, update them as needed, and ensure that all of the requirements are met. These policies and procedures shall include all of the following requirements:
 - (A) Written operational shift assignments shall state the duties and responsibilities for each assigned position in the PRTF.
 - (B) Supervisory staff shall maintain a permanent log and prepare shift reports that record routine and emergency situations.
 - (C) All security devices, including locking mechanisms on doors and any delayed-exit mechanisms on doors, shall have current written approval from the state fire marshal and shall be regularly inspected and maintained, with any corrective action completed as necessary and recorded.
 - (D) No resident shall have access to any ammunition or weapons, including firearms and air-powered guns. If a licensee prohibits carrying a concealed weapon on the premises of the PRTF, the licensee shall post notice pursuant to K.S.A. 75-7c11, and amendments thereto.

- (E) Procedures shall be developed and implemented for the control and use of keys, tools, medical supplies, and culinary equipment.
 - (F) No resident or group of residents shall exercise control or authority over another resident, have access to the records of another resident, or have access to or the use of keys that control security.
 - (G) Procedures shall be developed and implemented for knowing the whereabouts of all residents at all times and for handling runaways and unauthorized absences.
 - (H) Safety and security precautions pertaining to the PRTF and any staff vehicles used to transport residents shall be developed and implemented.
- (2) Each licensee shall ensure the development of policies and procedures that govern documentation of all incidents, including riots, the taking of hostages, and the use of restraint.
- (A) The policies and procedures shall require submission of a written report of all incidents to the program director no later than the conclusion of that shift. A copy of the report shall be kept in the record of each resident involved in the incident.
 - (B) Reports of incidents shall be made to document compliance with K.A.R. 28-4-1209.
- (3) A written plan shall provide for continuing operations if a work stoppage occurs. A copy of this plan shall be available to each staff member.
- (d) Storage and use of hazardous substances and unsafe items.
- (1) No resident shall have unsupervised access to poisons, hazardous substances, or flammable materials. These items shall be kept in locked storage when not in use.
 - (2) Each licensee shall develop and implement policies and procedures for the safe and sanitary storage and distribution of personal care and hygiene items. The following items shall be stored in an area that is either locked or under the control of staff:
 - (A) Aerosols;
 - (B) alcohol-based products;
 - (C) any products in glass containers; and
 - (D) razors, blades, and any other sharp items.

- (3) Each licensee shall develop and implement policies and procedures for the safe storage and disposal of prescription and nonprescription medications. All prescription and nonprescription medications shall be stored in a locked cabinet located in a designated staff-accessible and supervised area. All refrigerated medications shall be stored under all food items in a locked refrigerator, in a refrigerator in a locked room, or in a locked medicine box in a refrigerator. Medications taken internally shall be kept separate from other medications. All unused medications shall be accounted for and disposed of in a safe manner, including being returned to the pharmacy, transferred with the resident, or safely discarded.
- (4) Each PRTF shall have first-aid supplies, which shall be stored in a locked cabinet located in a staff-accessible and supervised area. First-aid supplies shall include the following:
 - (A) Assorted adhesive strip bandages;
 - (B) adhesive tape;
 - (C) a roll of gauze;
 - (D) scissors;
 - (E) a package of gauze squares;
 - (F) liquid soap;
 - (G) an elastic bandage;
 - (H) tweezers;
 - (I) rubbing alcohol; and
 - (J) disposable nonporous gloves in assorted sizes.

(Authorized by and implementing K.S.A. 65-508; effective Oct. 9, 2009.)

28-4-1215. Environmental standards.

- (a) General building requirements.
 - (1) Each licensee shall ensure that public water and sewage systems, where available, are used. If public water and sewage systems are not available, each licensee shall maintain approval by the appropriate health authorities for any private water and sewage systems that are used.
 - (2) A licensed architect shall be responsible for the plans for any newly constructed building or for any major addition or major alteration to an existing building.

- (A) For a new building, preliminary plans and outline specifications, including plot plans, shall be submitted to the department for review before commencing the final working drawings and specifications. Each licensee shall submit the final working drawings, construction specifications, and plot plans to the department for review and written approval before the letting of contracts.
 - (B) For an addition or alteration to an existing building, each licensee shall submit a written statement defining the proposed use of the construction and detailing the plans and specifications to the department for review and written approval before commencing construction.
- (3) If construction is not commenced within one year of submitting a proposal for a new building or an addition or alteration to an existing building, each licensee shall resubmit the plans and proposal to the department before proposed construction begins.
- (b) Location and grounds requirements.
 - (1) Community resources, including health services, police protection, and fire protection from an organized fire department, shall be available.
 - (2) There shall be at least 100 square feet of outside activity space available for each resident allowed to utilize each outdoor area at any one time.
 - (3) The outside activity area shall be free of physical hazards.
 - (4) Sufficient space for visitor and staff parking at each PRTF shall be provided.
- (c) Structural requirements and use of space. Each licensee shall ensure that the PRTF design, structure, interior and exterior environment, and furnishings promote a safe, comfortable, and therapeutic environment for the residents.
 - (1) Each PRTF shall be accessible to and usable by persons with disabilities.
 - (2) Each PRTF's structural design shall facilitate personal contact and interaction between staff members and residents.
 - (3) Each sleeping room shall meet the following requirements:
 - (A) No resident's room shall be in a basement.
 - (B) The minimum square footage of floor space shall be 80 square feet in each room occupied by one resident. Each room occupied by more than one resident shall have at least 60 square feet of floor space for each resident. At least one dimension of the usable floor space unencumbered by furnishings or fixtures shall be at least seven feet.

- (C) The minimum ceiling height shall be seven feet eight inches over at least 90 percent of the room area.
 - (D) An even temperature of between 68 degrees Fahrenheit and 78 degrees Fahrenheit shall be maintained, with an air exchange of at least four times each hour.
 - (E) Sleeping rooms occupied by residents shall have a window source of natural light. Access to a drinking water source and toilet facilities shall be available 24 hours a day.
 - (F) Separate beds with level, flat mattresses in good condition shall be provided for each resident. All beds shall be above the floor level.
 - (G) Clean bedding, adequate for the season, shall be provided for each resident. Bed linen shall be changed at least once a week or more frequently when soiled.
- (4) Each sleeping room, day room, and classroom utilized by residents shall have lighting of at least 20 foot-candles in all parts of the room. There shall be lighting of at least 35 foot-candles in areas used for reading, study, or other close work.
 - (5) Adequate space for study and recreation shall be provided.
 - (6) Each living unit shall contain the following:
 - (A) Furnishings that provide sufficient seating for the maximum number of residents expected to use the area at any one time;
 - (B) writing surfaces that provide sufficient space for the maximum number of residents expected to use the area at any one time; and
 - (C) furnishings that are consistent with the needs of the residents.
 - (7) Each PRTF shall have adequate central storage for household supplies, bedding, linen, and recreational equipment.
 - (8) If the PRTF is on the same premises as that of another licensed facility, the living unit of the PRTF shall be maintained in a separate, self-contained unit. Residents of the PRTF shall not use space shared with another licensed facility at the same time unless the plan for the use of space is approved, in writing, by the secretary and by SRS.
 - (9) If a PRTF has one or more day rooms, each day room shall provide space for a variety of resident activities. Day rooms shall be situated immediately adjacent to the residents' sleeping rooms, but separated from the sleeping rooms by a floor-to-ceiling wall. Each day room shall provide at least 35 square feet for each resident, exclusive of lavatories, showers, and toilets, for the maximum number of residents expected to use the day room area at any one time.

- (10) Each room used for sports and other physical activities shall provide floor space equivalent to at least 100 square feet for each resident utilizing the room for those purposes at any one time.
 - (11) Sufficient space shall be provided for visitation between residents and nonresidents. The PRTF shall have space for the screening and search of both residents and visitors, if screening and search are included in the PRTF's policies and procedures. Private space shall be available for searches as needed. Storage space shall be provided for the secure storage of visitors' coats, handbags, and other personal items not allowed into the visitation area.
 - (12) A working telephone shall be accessible to staff members in all areas of the building. Emergency numbers, including those for the fire department, the police, a hospital, a physician, the poison control center, and an ambulance, shall be posted by each phone.
 - (13) A service sink and a locked storage area for cleaning supplies shall be provided in a room or closet that is well ventilated and separate from kitchen and living areas.
- (d) Bathroom facilities.
- (1) For each eight or fewer residents of each sex, at least one toilet, one lavatory, and either a bathtub or a shower shall be provided. All toilets shall be above floor level.
 - (2) Each bathroom shall be ventilated to the outdoors by means of either a window or a mechanical ventilating system, with a minimum of 10 air changes each hour.
 - (3) Toilet and bathing accommodations and drinking water shall be in a location accessible to sleeping rooms and living and recreation rooms.
 - (4) Drinking water and at least one bathroom shall be accessible to the reception and admission areas.
 - (5) Cold water and hot water not exceeding 120 degrees Fahrenheit shall be supplied to lavatories, bathtubs, and showers.
 - (6) Liquid soap, toilet paper, and paper towels shall be available in all bathroom facilities.
- (e) Building maintenance standards.
- (1) Each building shall be clean at all times and free from vermin infestation.
 - (2) The walls shall be smooth, easily cleanable, and sound. Lead-free paint shall be used on all painted surfaces.

- (3) The floors and walking surfaces shall be kept free of hazardous substances at all times.
- (4) The floors shall not be slippery or cracked.
- (5) Each rug or carpet used as a floor covering shall be slip-resistant and free from tripping hazards. A floor covering, paint, or sealant shall be required over concrete floors for all buildings used by the residents.
- (6) All bare floors shall be swept and mopped daily.
- (7) A schedule for cleaning each building shall be established and maintained.
- (8) Washing aids, including brushes, dish mops, and other hand aids used in dishwashing activities, shall be clean and used for no other purpose.
- (9) Mops and other cleaning tools shall be cleaned and dried after each use and shall be hung on racks in a well-ventilated place.
- (10) Pesticides and any other poisons shall be used in accordance with the product instructions. These substances and all other poisons shall be stored in a locked area.
- (11) Toilets, lavatories, sinks, and other such accommodations in the living areas shall be cleaned each day.

(Authorized by and implementing K.S.A. 65-508; effective Oct. 9, 2009.)

28-4-1216. Food services. Each licensee shall ensure that food preparation, service, safety, and nutrition meet the requirements of this regulation. For purposes of this regulation, “food” shall include beverages.

- (a) Sanitary practices. Each individual engaged in food preparation and food service shall use sanitary methods of food handling, food service, and storage.
 - (1) Only authorized individuals shall be in the food preparation area.
 - (2) Each individual who has any symptoms of an illness, including fever, vomiting, or diarrhea, shall be excluded from the food preparation area and shall remain excluded from the food preparation area until the time at which the individual has been asymptomatic for at least 24 hours or provides the PRTF with written documentation from a health care provider stating that the symptoms are from a noninfectious condition.
 - (3) Each individual who has contracted an infectious or contagious disease specified in K.A.R. 28-1-6 shall be excluded from the food preparation area and shall remain excluded from the food preparation area for the time period required for that disease.

- (4) Each individual with an open cut or abrasion on the hand or forearm or with a skin sore shall cover the sore, cut, or abrasion with a bandage before handling or serving food.
 - (5) The hair of each individual shall be restrained when the individual is handling food.
 - (6) Each individual handling or serving food shall comply with each of the following requirements for handwashing:
 - (A) Each individual shall wash that individual's hands and exposed portions of the individual's arms before working with food, after using the toilet, and as often as necessary to keep the individual's hands clean and to minimize the risk of contamination.
 - (B) Each individual shall use an individual towel, disposable paper towels, or an air dryer to dry that individual's hands.
 - (7) Each individual preparing or handling food shall minimize bare hand and bare arm contact with exposed food that is not in a ready-to-eat form.
 - (8) Except when washing fruits and vegetables, no individual handling or serving food may contact exposed, ready-to-eat food with the individual's bare hands.
 - (9) Each individual shall use single-use gloves, food-grade tissue paper, dispensing equipment, or utensils, including spatulas or tongs, when handling or serving exposed ready-to-eat food.
- (b) Nutrition.
- (1) Meals and snacks shall meet the nutritional needs of the residents in accordance with the United States department of agriculture's recommended daily allowances. A sufficient quantity of food shall be prepared for each meal to allow each resident second portions of bread and milk and either vegetables or fruit.
 - (2) Special diets shall be provided for residents for either of the following reasons:
 - (A) Medical indication; or
 - (B) accommodation of religious practice, as indicated by a religious consultant.
 - (3) Each meal shall be planned and the menu shall be posted at least one week in advance. A copy of the menu of each meal served for the preceding month shall be kept on file and available for inspection.
- (c) Food service and preparation areas. If food is prepared on the premises, each licensee shall provide a food preparation area that is separate from the eating area, activity area,

laundry area, and bathrooms and that is not used as a passageway during the hours of food preparation and cleanup.

- (1) All surfaces used for food preparation and tables used for eating shall be made of smooth, nonporous material.
 - (2) Before and after each use, all food preparation surfaces shall be cleaned with soapy water and sanitized by use of a solution of one ounce of bleach to one gallon of water or a sanitizing solution used in accordance with the manufacturer's instructions.
 - (3) Before and after each use, the tables used for eating shall be cleaned by washing with soapy water.
 - (4) All floors shall be swept daily and mopped when spills occur.
 - (5) Garbage shall be disposed of in a garbage disposal or in a covered container. If a container is used, the container shall be removed at the end of each day or more often as needed to prevent overflow or to control odor.
 - (6) Each food preparation area shall have handwashing facilities equipped with soap and hot and cold running water and with individual towels, paper towels, or air dryers. Each sink used for handwashing shall be equipped to provide water at a temperature of at least 100 degrees Fahrenheit. The water temperature shall not exceed 120 degrees Fahrenheit.
 - (A) If the food preparation sink is used for handwashing, the sink shall be sanitized before using it for food preparation by use of a solution of 1/4 cup of bleach to one gallon of water.
 - (B) Each PRTF with 25 or more residents shall be equipped with handwashing facilities that are separate from the food preparation sink.
 - (7) Clean linen used for food preparation or service shall be stored separately from soiled linen.
- (d) Food storage and refrigeration. All food shall be stored and served in a way that protects the food from cross-contamination.
- (1) Nonrefrigerated food.
 - (A) All food not requiring refrigeration shall be stored at least six inches above the floor in a clean, dry, well-ventilated storeroom or cabinet in an area with no overhead drain or sewer lines and no vermin infestation.
 - (B) Dry bulk food that has been opened shall be stored in metal, glass, or food-grade plastic containers with tightly fitting covers and shall be labeled with the contents and the date opened.

- (C) Food shall not be stored with poisonous or toxic materials. If cleaning agents cannot be stored in a room separate from food storage areas, the cleaning agents shall be clearly labeled and kept in locked cabinets not used for the storage of food.
- (2) Refrigerated and frozen food.
 - (A) All perishables and potentially hazardous foods requiring refrigeration shall be continuously maintained at 41 degrees Fahrenheit or lower in the refrigerator or 0 degrees Fahrenheit in the freezer.
 - (B) Each refrigerator and each freezer shall be equipped with a visible, accurate thermometer.
 - (C) Each refrigerator and each freezer shall be kept clean inside and out.
 - (D) All food stored in the refrigerator shall be covered, wrapped, or otherwise protected from contamination. Unserved, leftover perishable foods shall be dated, refrigerated immediately after service, and eaten within three days.
 - (E) Raw meat shall be stored in the refrigerator in a manner that prevents meat fluids from dripping on other foods.
 - (F) Ready-to-eat, commercially processed foods, including luncheon meats, cream cheese, and cottage cheese, shall be eaten within five days after opening the package.
 - (G) If medication requiring refrigeration is stored with refrigerated food, the medication shall be stored in a locked medicine box in a manner that prevents cross-contamination.
- (3) Hot foods.
 - (A) Hot foods that are to be refrigerated shall be transferred to shallow containers in layers less than three inches deep and shall not be covered until cool.
 - (B) Potentially hazardous cooked foods shall be cooled in a manner to allow the food to cool within two hours from 135 degrees Fahrenheit to 70 degrees Fahrenheit or within six hours from 135 degrees Fahrenheit to 41 degrees Fahrenheit.
- (e) Meals or snacks prepared on the premises.
 - (1) Each licensee shall ensure that all of the following requirements are met:
 - (A) All dairy products shall be pasteurized. Dry milk shall be used for cooking only.

- (B) Meat shall be obtained from government-inspected sources.
 - (C) Raw fruits and vegetables shall be washed thoroughly before being eaten or used for cooking.
 - (D) Frozen foods shall be defrosted in the refrigerator, under cold running water, in a microwave oven using the defrost setting, or during the cooking process. Frozen foods shall not be defrosted by leaving them at room temperature or in standing water.
 - (E) Cold foods shall be maintained and served at temperatures of 41 degrees Fahrenheit or less.
 - (F) Hot foods shall be maintained and served at temperatures of at least 140 degrees Fahrenheit.
- (2) Each licensee shall ensure that the following foods are not served or kept:
- (A) Home-canned food;
 - (B) food from dented, rusted, bulging, or leaking cans; and
 - (C) food from cans without labels.
- (f) Meals or snacks catered. If the licensee serves a meal or snack that is not prepared on the premises, the snack or meal shall be obtained from a food service establishment or a catering service licensed by the secretary of the Kansas department of agriculture. If food is transported to the premises, the licensee shall ensure that only food that has been transported promptly in clean, covered containers is served to the residents.
- (g) Table service and cooking utensils.
- (1) Each licensee shall ensure that all of the table service, serving utensils, and food cooking or serving equipment is stored in a clean, dry location at least six inches above the floor. None of these items shall be stored under an exposed sewer line or a dripping water line or in a bathroom.
 - (2) Each licensee shall provide clean table service to each resident, including dishes, cups or glasses, and forks, spoons, and knives, as appropriate for the food being served.
 - (A) Clean cups, glasses, and dishes designed for repeat use shall be made of smooth, durable, and nonabsorbent material and shall be free from cracks or chips.
 - (B) Disposable, single-use table service shall be of food grade and medium weight and shall be disposed of after each use.

- (3) If nondisposable table service and cooking utensils are used, each licensee shall sanitize the table service and cooking utensils using either a manual washing method or a mechanical dishwasher.
 - (A) If using a manual washing method, each licensee shall meet all of the following requirements:
 - (i) A three-compartment sink with hot and cold running water to each compartment and a drainboard shall be used for washing, rinsing, sanitizing, and air-drying.
 - (ii) An appropriate chemical test kit, a thermometer, or another device shall be used for testing the sanitizing solution and the water temperature.
 - (B) If using a mechanical dishwasher, each licensee shall ensure that all of the following requirements are met:
 - (i) Each commercial dishwashing machine and each domestic-type dishwashing machine shall be installed and operated in accordance with the manufacturer's instructions and shall be maintained in good repair.
 - (ii) If an automatic detergent dispenser, rinsing agents dispenser, or liquid sanitizer dispenser is used, the dispenser shall be installed and maintained according to the manufacturer's instructions.
 - (iii) Each dishwashing machine using hot water to sanitize shall be installed and operated according to the manufacturer's specifications and shall achieve surface temperature of at least 160 degrees Fahrenheit for all items.
 - (iv) If a domestic-type dishwasher is used, the dishwasher shall have the capacity to complete the cleaning cycle for all items in two cycles between each meal.

(Authorized by and implementing K.S.A. 65-508; effective Oct. 9, 2009.)

28-4-1217. Laundry.

- (a) If laundry is done at the PRTF, the laundry sinks, appliances, and countertops or tables used for laundry shall be located in an area separate from food preparation areas and shall be installed and used in a manner that safeguards the health and safety of the residents. Adequate space shall be allocated for the laundry room and the storage of laundry supplies, including locked storage for all chemical agents used in the laundry area.
- (b) Adequate space shall be allocated for the storage of clean and dirty linen and clothing. Soiled linen shall be stored separately from clean linen.

- (c) Blankets shall be laundered at least once each month or, if soiled, more frequently. Blankets shall be laundered or sanitized before reissue.
- (d) Each mattress shall be water-repellent and washed down and sprayed with disinfectant before reissue. Mattress materials and treatments shall meet the applicable requirements of the state fire marshal's regulations.

(Authorized by and implementing K.S.A. 65-508; effective Oct. 9, 2009.)

28-4-1218. Transportation. Each licensee shall establish and implement written policies and procedures for transporting residents.

- (a) The transportation policies and procedures shall include all of the following information:
 - (1) A list of the individuals authorized to transport residents for the PRTF;
 - (2) a description of precautions to prevent the escape of any resident during transfer;
 - (3) documentation of a current and appropriate license for each PRTF driver for the type of vehicle in use; and
 - (4) procedures to be followed in case of accident, injury, or other incident as specified in K.A.R. 28-4-1214, including notification procedures.
- (b) Each transporting vehicle owned or leased by the licensee shall have a yearly safety check. A record of the yearly safety check and all repairs or improvements made shall be kept on file at the PRTF. When residents are transported in a privately owned vehicle, the vehicle shall be in safe working condition.
- (c) Each vehicle used by the PRTF to transport residents shall be covered by accident and liability insurance as required by the state of Kansas.
- (d) A first-aid kit shall be kept in the transporting vehicle and shall include disposable nonporous gloves in various sizes, a cleansing agent, scissors, bandages of assorted sizes, adhesive tape, a roll of gauze, one package of gauze squares at least four inches by four inches in size, and one elastic bandage.
- (e) Each vehicle used to transport residents shall be equipped with an individual seat belt for the driver and an individual seat belt or child safety seat for each passenger. The driver and each passenger shall be secured by a seat belt or a child safety seat when the vehicle is in motion.
- (f) Seat belts and child safety seats shall be used appropriate to the age, weight, and height of each individual and the placement of each individual in the vehicle, in accordance with state statutes and regulations. Each child safety seat shall be installed and used according to manufacturer's instructions.
- (g) Residents who are less than 13 years of age shall not be seated in the front seat of a vehicle that is equipped with a passenger air bag.

- (h) Smoking in any vehicle owned or leased by the licensee shall be prohibited whether or not a resident is present in the vehicle.
- (i) Residents shall be transported directly to the location designated by the licensee and shall make no unauthorized stops along the way, except in an emergency.
- (j) Handcuffs or shackles shall not be used on any resident being transported by staff members.
- (k) No 15-passenger vans shall be used to transport residents. Each licensee owning or leasing a 15-passenger van purchased or leased before the effective date of this regulation shall be exempt from the requirements of this subsection.

(Authorized by and implementing K.S.A. 65-508; effective Oct. 9, 2009.)